

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION
AND LIABILITY ACT

14-13-C. Emergency Temporary Restraining Orders

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, including Section 106, to refer requests for Emergency Temporary Restraining Orders to the U.S. Department of Justice and the appropriate United States Attorney.
2. **TO WHOM REDELEGATED.** Regional counsel.
3. **LIMITATIONS.** The RC must notify the assistant administrator for the Office of Enforcement and Compliance Assurance and the assistant administrator for the Office of Land and Emergency Management before exercising this authority. The assistant administrator for OECA may waive the requirement for notification in writing.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the on-scene coordinators and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. DOJ, June 1977, 42 Fed. Reg. 48,942 (1977).
 - b. Section 107 of CERCLA.
 - c. For referral of other civil actions under CERCLA, see the Chapter 14 Delegation entitled "Civil Judicial Enforcement Actions."



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date